

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

01-R-1967

**A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF DERNARD
GREEN IN THE AMOUNT OF \$3,584.78
AGAINST THE CITY OF ATLANTA**

WHEREAS, DERNARD GREEN, has filed a claim against the City of Atlanta seeking damages to his vehicle; and

WHEREAS, the damage to DERNARD GREEN'S vehicle occurred when he drove over a pothole that was not properly repaired in the roadway; and

WHEREAS, the City of Atlanta was on notice of said nuisance and made an attempt, however unsuccessful, to abate said nuisance; and

WHEREAS, the construction and maintenance of public roads is a ministerial function and therefore this claim is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and;

WHEREAS, the claimant has asserted damages in the amount of \$3,584.78 and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of DERNARD GREEN, be settled for the sum of \$3,584.78.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$3,584.78 be paid by the City of Atlanta to DERNARD GREEN, in satisfaction of any and all claims he may have stemming from damages sustained to his vehicle on or about April 29, 2001, at DERNARD GREEN and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

A true copy,

Deputy Clerk

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

DEC 03, 2001

DEC 12, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0400

Date: November 15, 2001

Claimant /Victim DERNARD GREEN
BY: (Atty) (Ins. Co.) _____
Address: 3385 Columbia Trace, Decatur, Georgia 30032
Subrogation: _____ Claim for Property damage \$ 3,584.78 Bodily Injury \$ _____
Date of Notice: 6/22/01 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) _____ X
Date of Occurrence 4/29/01 Place: 2540 Lakewood Avenue, SE
Department PUBLIC WORKS Division Street
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant's vehicle sustained damage when he drove over a pot hole in the roadway. An investigation determined that the City had prior notice of the condition but failed to properly repair it.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

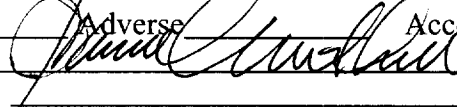
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 3,584.78 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 11-15-01
Committee Action: _____ Council Action _____

01-R-1967

(Do Not Write Above This Line)

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THE SETTLEMENT OF THE
CLAIM OF DERNARD GREEN
IN THE AMOUNT OF \$3,584.78
AGAINST THE CITY OF
ATLANTA

By: Rosalind Rubens Newell

Rosalind Rubens Newell
Deputy City Attorney

ADOPTED BY

DEC 03 2001

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

COUNCIL

Voice Vote

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

DEC 3 2001
ATLANTA CITY COUNCIL PRESIDENT
Rubens Newell

CERTIFIED
DEC 03 2001

Rubens Newell
DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 12 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW